PUTHUPALLI S. KRISHNA PILLAI: I move that the Bill be passed.

The question that the Bill be passed was put to vote and carried.

The Bill was passed.

THE TRAVANCORE FISHERIES ACT (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: I rise to present the report of the Select Committee on the Travancore Fisheries Act (Amendment) Bill. It will be remembered that two bills were introduced and referred to the Committee. The Committee have consolidated the two bills and presented a single report and redrafted the Bill. I beg to move that the Bill be taken into consideration.

MR. A. LAKSHMINARAYANA AIYAR: I second it.

The question that the Bill be taken into consideration was put to vote and passed.

The Bill was taken into consideration.

Clauses 1 to 3.

The question that Clauses 1 to 3 do stand part of the Bill was put to vote and carried.

Clauses 1 to 3 were added to the Bill.

PREAMBLE AND TITLE.

The question that the Preamble and Title do form part of the Bill was put to vote and carried.

The Preamble and Title were added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: Before I move for the third reading of the Bill, I move that in Clause 1 sub-clause (1), the figures "1117" be substituted for the figures "111—"

MR. A. LAKSHMINARAYANA AIYAR: I second it.

The amendment was put to vote and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: I beg to move that the Bill be passed.

The question that the Bill be passed was put to vote and carried.

The Bill was passed.

THE SUPPRESSION OF IMMORAL TRAFFIC BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: I rise to present the report of the Select Committee appointed to consider the Travancore Suppression of Immoral Traffic Bill and move that the Bill as revised be taken into consideration.

MR. A. LAKSHMINARAYANA AIYAR: I second it.

The question that the Bill be taken into consideration was put to vote and carried.

The Bill was taken for consideration.

Clauses 1 and 2.

The question that Clauses 1 and 2 do stand part of the Bill was put to vote and carried.

Clauses 1 and 2 were added to the Bill.

Clause 3.

MR. E. SUBRAMONIA AIYAR (*Nominated*): I require permission to move my two amendments to Clause 3.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT: Yes, you can move, the two amendments.

E. SUBRAMONIA AIYAR: My first amendment reads "In clause 3, sub-clause (a), line 3, delete the word other". I am asking for the removal of this word to make the meaning more comprehensive. My other amendment is "In clause 3, sub-clause (e) for the word "hire" substitute the words "payment made or promised."

I move the amendments with the object of making a few observations which will bring before the House the real implications of the Bill which we are now called upon to consider. When the Bill becomes law we should not be heckled about as to the precise nature of the restrictions placed by the Legislature, to use the phraseology as used before, by a non-marital sex expression. When the statement of objects and reasons is perused one finds that there should be a statutory law for curing the defects arising from prostitution. Prostitution, no doubt, is a very undesirable thing. At any rate, according to the sense of modern society there are certain evils attendant on prostitution and I would like to know whether the attempt of the Legislature is to combat that evil, to suppress that evil or to restrict that evil. I want to know the extent to which we are prepared to go. Is it the aim of the Bill to put an end effectively to prostitution as a whole or is it only an attempt to modify it, restrict it or regulate it in a particular way? It is to bring about the real object of the Bill with reference to the provisions which have been made in the Bill I am referring to this. Everybody may know what prostitution is but when you put it in an enactment and ask people to understand it and later on ask lawyers and Judges to apply it, the word should not be left to be interpreted differently on different occasions. To a layman it may mean something. Now the Legislature has taken care to define what we understand by prostitution. It is only that prostitution we want to check and suppress.

To the layman it might mean many things. Now the legislation has taken care to define what we understand by prostitution. It is only that prostitution which we want to check or to suppress we are going to lay the axe to. With these introductory remarks let us go to the definition of the word prostitution. Prostitution means promiscuous sexual intercourse for hire. The Oxford Dictionary gives the meaning of the word promiscuous as 'unrestricted by marriage or co-habitation'. That is what the Dictionary says. No doubt, the ordinary meaning is indiscriminate sexual intercourse.

MR. PADIYARA JOSEPH KUNJU: അപ്പോൾ പണം വാങ്ങിക്കാതെ ഒരു സ്ത്രീ വേശ്യാലയം തുടങ്ങിക്കൊണ്ടിരിക്കുകയാണെങ്കിൽ അത് പ്രോസ്റ്റിറ്റ്യൂഷൻ ആകുമോ?

MR. E. SUBRAMONIA AIYAR: എന്റെ സ്നേഹിതൻ ക്ഷമയോടുകൂടി ഇരിക്കുകയാണെങ്കിൽ ഈ പ്രസംഗത്തിന്റെ അവസാനത്തിൽ ഇതുപോ

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. E. Subramonia Aiyar.]

പോരായ്മകളുടെ ആവശ്യംതന്നെ ഇല്ലാതെവരും. ഇതരം സംശയങ്ങളെല്ലാം തീർക്കണമെന്നുള്ള ആശകൊണ്ടു മാത്രമാണ് ഈ രണ്ടു ഭേദഗതികളും ഞാൻ ഇവിടെ കൊണ്ടുവന്നതു. അല്ലാതെ ഈ നിയമത്തെപ്പറ്റി പ്രത്യേകമായ ഒർസക്തിയും എനിക്കില്ല. ഈ നിയമംതന്നെ വേണമോ വേണ്ടയോ എന്നുള്ളതിനെപ്പറ്റിയും എനിക്കു വല്യതായ ഉൽക്കണ്ഠ ഒന്നുമില്ല. എന്തായാലും ഈ നിയമത്തിന്റെ വ്യാപ്തി എന്താണെന്നും അതിന്റെ ആവശ്യമെന്താണെന്നും ശരിയായി അറിഞ്ഞുകൊണ്ടു ഈ ബില്ല പാസ്സാക്കാമെന്നു വിചാരിച്ചാണു ഞാൻ ഇതിനാരംഭിച്ചിരിക്കുന്നതു്.

The word promiscuous means unrestricted by marriage or co-habitation. Marriage is not essential if co-habitation will entail sexual intercourse which otherwise is promiscuous. In other words if a person keeps a woman continuously and co-habits with her under the same roof—they must live together as man and wife but not in the married sense—they must co-habit and live under the same roof-it is not promiscuous. Take for example a man and a woman who choose to live together for one day under the same roof, on an agreement that for one day they will be man and wife. And during this day the man says that he will not look upon any other woman. Do not think that this is abnormal. Though in recent days such instances are rare, in Vedic times it was prevalent. Take for instance the case of Rambha and Ravana. When Ravana approached her, she said that she has already engaged herself to be with another man. So when you use the word 'promiscuous' then there is that difficulty. Probably when the Bill becomes law and if a case arises and if the matter is entrusted to me I am likely to put forward the contention that there is no promiscuousness here because a man and a woman have agreed to live under a roof for three days. We must consider that aspect of the matter. The expression giving the meaning of the word 'prostitution' as promiscuous, sexual intercourse for hire will lead to more trouble. What does that mean? Why is the word 'hire' used? Why not for money, reward, for compensation, or for the present of a saree or something of that character? In that case why should we use the word 'hire'? The word 'hire' is significant to me. It is significant in this sense. That a person is in possession of an animal say for instance a horse or a vehicle. In such a case, as the proprietor or as the man in possession I may use it myself or may hand it over to another. That is I may hire it out to another for another's use. The word 'hire' may suggest that it is an act of a person who is in possession or custody or has the control of a thing animate or inanimate. To make my meaning clearer I put this way. Suppose, in these matters one has to express oneself, suppose for argument's sake let us assume that just opposite the Public Offices an establishment is brought into existence

LIBRARY ARCHIVES Kerala Legislative Assembly

by a lady of very attractive charms. She is the owner of that building and she is the occupier of that building. She has no other person under her control. She lets herself out for hire for promiscuous intercourse. Will it amount to prostitution as defined in the Act? If you do not want to touch that case, say so.

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI: May I know whether that is the idea meant and is intended to cover by this definition?

MR. T. SUBRAMONIA AIYAR: That is my view. She is alone doing it. Do you intend prohibiting cases of that character? Let us be clear. Will such prostitution come within the purview of the Act? If the idea is to bring such prostitution within the purview of the Act the word 'hire' according to me will stand in the way. My honourable friend, Mr. Parameswaran Pillai asked me whether the word 'hire' will not cover the case I mentioned.

MR. PUTHUPALLI S. KRISHNA PILLAI: Why does the honourable member think that it may not cover that case?

MR. T. SUBRAMONIA AIYAR: Because the word 'hire' has got a limited meaning. I will make my point clearer when we come to the word 'brothel'. There it is stated that a brothel means any house, room or place. So if A as the owner or occupier or the person in charge of a particular premise, allows herself to be prostituted or commits prostitution I have grave doubts whether that place can come within the meaning of the word 'brothel'.

MR. PUTHUPALLI S. KRISHNA PILLAI: May I know whether one person will be able to commit prostitution on or with oneself?

MR. T. SUBRAMONIA AIYAR: I admire the resourcefulness of the Legal Remembrancer. But I am not convinced of the position taken up by him, because, for committing sexual intercourse two persons are necessary-there is no doubt on that score. But we are now at the definition of prostitution. Here the meaning of brothel is given as 'any house, room, or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purpose of prostitution.' The idea, as I understand, is that it is a place where a person commits prostitution. It is not with reference to the several persons who frequent there. So the individual case to which I referred does not come within the purview of the sections where the word 'prostitution' occurs. In Sections 5 and 6 the word prostitution occurs when the case is not as I stated. Section 5 says as follows:—

"Any person not below the age of eighteen years who lives with or habitually keeps company with or exercises control, direction or influence over the movements of a person living in prostitution."

Then, again Section 6 runs thus:—

"Any person who takes or attempts to take or causes to be taken from one place to another any woman with a view to her carrying on or being brought up to carry on the business of prostitution shall be punished with ..."

In Section 7 also, the word 'prostitution' comes. Section 7 says as follows:—

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. E. Subramonia Aiyar.]

"Any person who detains any woman against her will in any house, room or place in which the business of prostitution is carried on, or in or upon any premises for the purpose of sexual intercourse etc."

So, as I understand: ...

MR. JOSEPH VITHAYATHIL: May I know whether the case referred to by the honourable member will not come under Section 9?

MR. E. SUBRAMONIA AIYAR: Section 9 is as follows:—

"Whoever in any street or public place or place of public resort or within sight of etc."....

So a prostitute need not go to a public place for her blandishments. She will be fairly well known among her clientele.

MR. JOSEPH VITHAYATHIL: But there it is also stated "whether from within any house or building or not". Will not that be sufficient?

MR. E. SUBRAMONIA AIYAR: So, she must be seen. The point I am pressing for the attention of the House is this: If your idea is to suppress prostitution as a whole let us make it definite. My point is that by using the word 'hire' for the definition of the word 'prostitution', the house where a particular person has promiscuous sexual intercourse will not amount to a brothel, and the act may not amount to prostitution. The world 'hire' suggests, taken along with 'brothel', a place which is under the control of other people. The object of the Bill seems to be to make provision for the suppression of brothels and of traffic in women. In consonance with that object it is stated that prostitution will mean sexual intercourse for hire. If the aim of the Bill is to suppress prostitution as a whole, I would suggest that it would be much better that no room is left for doubt. Why should it be in the form of a hire? Is it prostitution to have promiscuous sexual intercourse with a person for payment, be it in kind or in cash or for reward or as compensation? If the idea is that, make it so. If that is not done, it may be argued not only plausibly but with sufficient strength that what is aimed at is not suppression of prostitution as such. If one person carries on the business of prostitution and another has got the control of it, it is really hiring a person for prostitution. That idea is strengthened by the definition of the word 'Brothel' in the Bill. Whether we prohibit it is one matter and whether we actually succeed is another matter. Suppose five persons form into a syndicate and then they take premises and they carry on without any extraneous agency coming. They are co-owners of the premises and there is no extraneous control over them. It is left to them to choose any person and they are not to submit to the bidding or control of anybody else. What we have to consider is whether we are taking away the liberty of a woman in the matter of choosing out of her own free will and pleasure for having sexual intercourse. Are we legislating and saying that it is not within the competence of a woman in Travancore to have sexual relationship for hire or for money, be it for a day or a minute, of her own sweet will and pleasure? Is that freedom sought to be taken away? Whether that freedom is desirable or not, I have nothing

LIBRARY ARCHIVES Kerala Legislative Assembly

to say about. No doubt we are sitting here in a very honest attempt to reconstruct society according to our desires and according to what we think to be the best, by what is called legislation. How far our acts will succeed in actual practice with the help of the magistracy and the police we will have to see. We shall make that experiment though I have got my own doubts about it. The primitive urge which is in all individuals cannot be so easily regulated or put an end to, especially in these days of excitement brought about by world conditions and when some people do not know in which direction the world is going. Apart from all these considerations, if according to you, the consent of the woman is no answer to that natural and primitive instinctive act or what I may say the sexual congress, then you may say so. If you look into the Penal Code, the consent of a woman, married or unmarried will be an answer for a charge of rape. Consent is sufficient answer if the woman is of age competent to consent. We will consider whether this Bill has made any improvement upon that. Are we to say that in Travancore no woman shall be permitted to have sexual intercourse with a man, even if she is willing?

MR. JOSEPH VITHAYATHIL: May I know from the honourable member if he is aware that it would not be sufficient answer if the offence is committed by the person having charge?

MR. E. SUBRAMONIA AIYAR: I am fully aware of it and I never expected such a question from my friend. My friend is aware of various other provisions of law which define or restrict the freedom of persons who occupy certain positions in society. You will certainly find that any person can purchase property. But a receiver cannot purchase property of which he is the receiver. Similarly a trustee cannot purchase the property of the trust. Now there are so many relations between individuals like parent and child, guardian and ward, vakil and client, doctor and patient, which define or restrict freedom of independent action as between themselves. So when a public officer like the Inspector-General of Police or the Magistrate has got the charge of a lady, nothing can take place which would throw anything like suspicion upon the conduct of the officer. The consent of the woman in such a case is no answer for the simple reason that a prior relationship has come into existence and that in the interests of the public and on grounds of higher policy the law says that consent is immaterial.

MR. JOSEPH VITHAYATHIL: Is it not higher policy to prevent people from making prostitution?

MR. E. SUBRAMONIA AIYAR: My friend's question suggests that he is not taking correctly the arguments that I have advanced. I have understood that traffic in women should be prohibited in the interests of public policy, in the interests of the State and of the woman. But the question that I am agitating is whether a woman's freedom to have sexual intercourse with another of her own free will and pleasure should be limited once for all or whether it should be limited only in exceptional circumstances. It is not for a third person to limit it. That she should not do it at my bidding, I can understand. But suppose a

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. E. Subramonia Aiyar.]

woman is agreeable to have sexual intercourse with a man and nobody compels her, do you want to prohibit that? If you want to do so, do so; but think whether it is wise! I can understand your intervention where a man traffics in it by getting a number of ladies, one from Paris, one from New Zealand, one from Calcutta, one from Japan and one from China and keeps a menagerie here and says that just as the restaurant supplies drinks, he will supply women. I can understand that. Are you for prohibiting that or are you for prohibiting the other thing that I have pointed out. That is the reason why I wanted to speak on this Bill by tabling this amendment. As I began, I am not concerned about the desirability or the undesirability of the provision. I am not entirely concerned with the question of how far our experiment is going to succeed or how far the social psychological aspect of the matter will stand as a bar to the efficient working of the Act. That will depend upon the persons called upon to work the Act.

MR. M. SIVATHANU PILLAI: Am I to understand that a man freely becoming a party to sexual intercourse with a woman of her own free will will not be liable for prosecution?

MR. E. SUBRAMONIA AIYAR: It is a very difficult question to answer. I can only explain. The use of the word 'hire' shows that there is a hirer and a thing that is hired and a person who gives the thing on hire. But I do not say that a person cannot hire out oneself.

MR. KOTTALIL P. ABRAHAM: Is there any difficulty in hiring out oneself?

MR. E. SUBRAMONIA AIYAR: I am glad my friend is awakening to it. The word 'hire' implies a hirer and a thing hired. In the case of the occupier who hires herself out, the provision may not apply. If such a person is sought to be affected, let us not fight shy of it. If hereafter, say, a Cleopatra goes over here and carries on prostitution without the assistance of anybody, she being the mistress of herself, can the policeman call it a brothel? Or, as I said, if a number of people who are not under the control of anybody, carry on, their freedom is not restrained. They are not committing the act at the bidding of any other person and they pool their resources and distribute them later on.

MR. JOSEPH VITHAYATHIL: Is it soliciting under Section 9? The question is whether there is public soliciting.

MR. E. SUBRAMONIA AIYAR: Section 9 prohibits public soliciting. From that we are to infer that there is public soliciting. It says, "don't stand at the window and solicit".

MR. PADIYARA JOSEPH KUNJU: ഒരു സ്ത്രീ, അവരുടെ മാനസികമായ ദൗർബല്യംകൊണ്ടോ, അല്ലെങ്കിൽ ശാരീരികമായ ആവശ്യമോ നിവർത്തിയാക്കാനോ, അങ്ങോട്ട് പണംകൊടുത്ത യാതൊരു പുരുഷനേയും സ്വീകരിക്കുന്നതുകൊണ്ട് അതു ഈ സില്ലൻസറിപ്പ് കുറ്റം ആകുമോ?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. E. SUBRAMOIA AIYAR : അയ്യ് തക്സംഗതിയാണ്. മറെറാരാളിന്റെ അധീനതയിൽ അകപ്പെടാതെയും മറെറാരാളിന്റെ ചൊൽപടിയിൽ നിൽക്കാതെയും മറെറാരാളിന്റെകടിഞ്ഞാൺപാടിത്തത്തിനു വശപ്പെടാതെയും ഒരാളോ ഒന്നിലധികംപേരോ ഒന്നോചേർന്ന് അവരുടെ മനസ്സുപോലെ ഈ ഒരു വ്യാപാരത്തിന്ന് ആരംഭിച്ചാൽ അയ്യ ഈ ആക്ടിൻപ്രകാരം നിയന്ത്രിക്കുന്ന ഒരു വ്യവഹാരം ആകുകയില്ലെന്നു കാണിക്കാനാണ് ഞാൻ ശ്രമിക്കുന്നയ്യ്.

MR. PUTHUPALLI S. KRISHNA PILLAI: If the intercourse is not for any payment, actually made or promised, it will not amount to prostitution—is that what the member means ?

MR. E. SUBRAMONIA AIYAR : I will answer the question to the best of my ability. "Hire" will bring about a restricted sense. I have no objection to use the term "payment made or promised".

MR. PUTHUPALLI S. KRISHNA PILLAI: If you substitute that term, then Cleopatras will not come under this law ?

MR. E. SUBRAMONIA AIYAR : My friend the Legal Remembrancer will understand that I am not very anxious that my amendment should be accepted. According to me it may bring in Cleopatras within the purview of the Bill. If as a matter of fact our idea is to put to an end to prostitution, that no women shall have intercourse with another whether for hire or not, then that may be stated.

MR. JOSEPH VITHAYATHIL : That is not the object of the bill. The object of the bill is to prevent traffic.

MR. KAINIKKARA M. PADMANABHA PILLAI : Is it the member's view that as clause 3 now stands, it will exclude voluntary intercourse as referred to by the member ?

MR. E. SUBRAMANIA AIYAR : Yes.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know from the member whether his view is that if his amendments are accepted that will exclude such women ?

MR. E. SUBRAMONIA AIYAR : It will.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is it the member's view that such women must be included ?

MR. E. SUBRAMONIA AIYAR: So far as that is concerned my object in tabling this amendment has been to provoke the thought of the members in that direction. The Penal Code has not prohibited the right of a woman to have communion with another in the sexual sense. It only says that against the will nothing should be done. A person touches a woman—to use a judicial phrase—with her consent. If one can touch her with her consent, is it our aim to prohibit that ? Should there be any restriction ? If you answer "yes", I vote in your favour. All that I say is that let us do it knowingly. On the other hand if the idea is to restrict the traffic in women, let us say so. There is traffic in commerce and in various articles of mercandise. Let us have traffic in that sense. The assumption is that women are human beings capable of acting of their own volition. You have to respect that freedom. But what is attempted is the prohibition of other people from traffic in

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. E. Subramonia Aiyar.]

women, which will mean—do not have coercion by force, but—it will be more insidious, by persuasion and by other methods more corrupt. The idea is that one should not be a manager or controller of prostitution. If the matter has gone so far as to become a menace to public safety, public tranquility and public morals, we may interfere. But should we interfere in the case of women taking to prostitution of their own free will without the control of anybody, without any pressure and under the direction of nobody? No doubt in the days of Manu there was what is called the institution of *paniya stri* or dancing girl. There it was not a case of a person having control over them. That was a case of each individual for himself or herself.

In the bill as originally put forward, I noticed the following clause :

> "Any person not below of the age of 18 years, who knowingly lives wholly or in part on the earnings of another person shall be punished with imprisonment.

In the Select Committee this has been taken away. I find here ;

> "Any person not below the age of 18 years who lives with or habitually keeps company with or exercises control, direction or influence over the movements of a person living in prostitution, in such a manner as to show that such person is aiding, abetting or compelling her prostitution"."

The word "earning" has been taken away.

MR. KAINIKKARA M. PADMANABHA PILLAI : I want to know whether the purpose of this amendment is that it might be rejected and the clause interpreted so as to exclude the particular type of prostitution described by the member.

MR. E. SUBRAMONIA AIYAR ; The amendment has been moved not with the object of getting it rejected, but with the object of getting it accepted.

The word 'hire' used in the section will not touch the prostitution of the kind which I have described. It will only lead to unnecessary doubts and difficulties. If the object of this bill is to suppress prostitution as a whole the object is very commendable. Therefore we are only taking the first step in the matter. The House should consider this aspect and adopt my amendment. According to me the whole thing should be suppressed. This bill is futile. This can be evaded. And it will therefore lead to unnecessary quarrels. This law may also lead to abuse.

MR. M. R. NARAYANA PILLAI : Is it the honourable member's view that legislation on immoral traffic should also be suppressed ?

(The Dewan-President occupied the Chair at this stage.)

MR. E. SUBRAMONIA AIYAR : My view is that the very basis which forms the foundation for the traffic in women, namely prostitution, should be knocked on the head. If you don't do it let us not fritter away our energies by introducing a provision as has been attempted now. My opinion therefore is that the word hire should not be used. Let us see whether we can put an end to it. Leave it to the good sense of society and the citizen to bring about the reform.

LIBRARY ARCHIVES Kerala Legislative Assembly

According to me even if one woman promises to have intercourse with another on hire for money's worth, that too must be restrained. Even when a woman comes for intercourse with her free consent during normal circumstances, that also should be prohibited. As the law stands now as I read it, whatever the Legal Remembrancer might say, it comes to this, namely that there are many things to be hired.

PRESIDENT: In order to guide the debate, may I make a few remarks? I understood that this bill is aimed at eradicating or endeavouring to eradicate what is called traffic in women *i. e.*, the hiring out of women for prostitution taking advantage of their youth, poverty and other circumstances. It was brought to the notice of Government that, though to an extent much less here than in many other places in India, there were localities to which people, getting down from the railway station and going to other places, were taken, and localities where persons were solicited for the purpose of promiscuous sexual intercourse. I do not take it that the object of this legislation was to deal with the much bigger and wider question of promiscuous sexual intercourse by itself. I do not think that any Government can usefully or with any effect deal with that question because the very word 'promiscuous' remains to be defined. Supposing a woman with her husband living was found in the company of another person under doubtful or suspicious circumstances, it is not the object of Government to start inquisitorial proceedings in order to find out the exact state of mutual relationship between the two persons and to find out reasons. These matters are really matters of moral suasion and of moral discipline which is the function of religion to deal with and not of the legislature. But the evil that I thought intended to be dealt with by this legislation was the marketing, the commercialisation of vices. That is the intention of the measure. As I have just now told the honourable members, this is a piece of social legislation promoted by Government because they are face to face with an undeniable and real evil. If the honourable members wish to go further, it is their look-out. I may inform the House that the Government do not propose to take part in the voting of this measure.

MR. E. SUBRAMONIA AIYAR: Sir, now that you have explained the position, I do not wish to expend my arguments in that line. I am for the total suppression of immoral traffic on women.

PRESIDENT: Only if it is possible.

MR. E. SUBRAMONIA AIYAR: Yes Sir. I am not at all for half measures in this question. Therefore I am pointing out whether the endeavour in this direction is quite enough to root out the evil. I seriously doubt the success of this measure.

PRESIDENT: I suppose the honourable member has experience under the Police Act that solicitation is itself an offence which can be punished. Supposing a woman is so lost to essentials as to solicit publicly, she can be punished. If people trade upon her taking advantage of her weaknesses or poverty, then this bill will be able to deal with such matter. If a woman is polygamously inclined to behave, then that can be proceeded against.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. E. SUBRAMONIA AIYAR : The expression 'hire' is not apt to be used in such instances. According to me, that word may be deleted and another put in to bring out the idea suitably. I would even say that after seeing how the Act works, this expression may be thought of.

PRESIDENT : The distinction sought to be drawn by the member appears to be perfectly legitimate. The only question is, how far the House is prepared to go in this social measure.

MR. E. SUBRAMONIA AIYAR : So I am requesting the Legal Remembrancer to find an apt expression for 'hire.' According to me, it should be a case of one person hiring another. In that sense, it will be alright. But in the bill, the idea is entirely different. It is the object of the Legislature to define the expression 'hire' properly. According to the bill, though there will be one woman, it will be considered as a brothel. Let us not be reduced to that extent. I am not very much concerned with the substitution of word "payment made or promised." The expression "hire" should denote a restricted sense in very clear terms. That is all my idea.

MR. KOTTALIL P. ABRAHAM: Is it the honourable member's idea to use the expression in a quite different sense ?

MR. E. SUBRAMONIA AIYAR : So far as language is concerned, one can express ideas to suit his own tastes. In the Debt Relief Act, the amount of intellectual trouble that I had to take owing to the ambiguous use of certain expressions may be instanced here.

PRESIDENT : But incidentally the amount of income derived on that score may be remembered. (*Laughter.*)

MR. E. SUBRAMONIA AIYAR : That apart, the amount of intellectual trouble which one has to take and the extent of involutions and evolutions to be undergone—all these cause intense strain. Moreover in a piece of social legislation, such difficulties will be greater all the more. We will have to meet conflicting decisions of great magnitude. I may assure the House that all of us here are trying our level best to find an equilibrium in such matters. If this Act is passed as it is, probably some of us cannot avoid troubles of the character indicated by me. Hence I move the amendment.

MR. M. SIVATHANU PILLAI : I second it.

PRESIDENT : The question before the House is that in clause 3, sub clause (c) for the word "hire" substitute the words "payment made or promised."

The amendment was put to vote and lost.

PRESIDENT : The other amendment also must be put to vote. The question is that in clause 3 sub-clause (*a*) line 3, delete the word 'other.'

The amendment was put to vote and declared lost.

The question that clause 3 stands part of the bill was put to vote and carried.

The clause was added to the bill.

Clause 4

The question that clause 4 stands part of the bill was put to vote and carried.

The clause was added to the bill.

LIBRARY ARCHIVES Kerala Legislative Assembly

Clause 5.

The question that clause 5 stands part of the bill was put to vote and carried.

The clause was added to the bill.

Clause 6.

The question that clause 6 stands part of the bill was put to vote and carried.

The clause was added to the bill.

Clause 7.

The question that clause 7 stands part of the bill was put to vote and carried.

The clause was added to the bill.

Clause 8.

The question that clause 8 stands part of the bill was put to vote and carried.

The clause was added to the bill.

PRESIDENT: The marginal notes in a clause are intended for the sake of convenience. The Secretary will make a note of it.

Clause 9.

MR. K. G. GOVINDAN: Sir, I move the following amendment: –

In clause 9, sub clause (b), line 1, delete "or loiters."

As thus amended, the sub clause would read thus:—

"Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place whether from within any house or building or not—(a) by words, gestures etc., attracts etc., or

(b) Solicits or molests any person for the purpose of prostitution or carnal intercourse,.....shall be punished etc-.....'"

PRESIDENT: The advantage is that these words are what you might call very well known expressions in English Jurisprudence. There are even a series of decisions that have been given, making these expressions absolutely clear. The High Courts have given very careful connotation to these words, so much so, there is no difficulty in interpretation. Is that not so, Mr. Legal Remembrancer?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir.

MR K. G. GOVINDAN: But, who is to say that? Who can say that a person is loitering for prostitution? Who is there that can read the mind of a person? In the present instance, who will decide that a person is loitering for the purpose of prostitution or carnal intercourse. It is the lowest rank of policeman who has to decide the issue to start with. Hence it is open to abuse.

PRESIDENT: In England it was abused, to start with, by the police. The police did not know where to act and when to act so much so that honourable members may perhaps be aware that a member of the nobility was charged for loitering. The whole case went up to the House of Lords. Of course we must realise this aspect of the case. Our attempt is to try to prevent what is really evil. In the circumstances, if the honourable member thinks that the expression 'or loitering' is open to abuse, the matter could be considered.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. G. GOVINDAN: My point is who is to decide that a person is loitering for the purpose of prostitution. It is, to start with, the lowest paid officer of the Police Department. Decision on such matters by the police constable is likely to be erroneous. That will lead to corruption amongst the lowest paid officers in the department.

Again, loitering where? That also is not defined. If the provision is against a person loitering in front of a brothel, I can understand it.

PRESIDENT: Trouble arose in England when a certain number of women began purposefully to loiter in front of a club or during meetings. That is where this kind of thing generally arises, so much so, the same thing may happen in front of satroms or clubs here as well.

MR. K. G. GOVINDAN: But fortunately in our country no place is recognised as a brothel. In no part of this country is there a place which is recognised as a brothel. If there are places recognised as such, then I could have understood a prohibition in the vicinity of such brothel. Here, "loitering" is used without any limitations. Suppose a respectable person sits in the maidan in front of Thampanur Railway station in the evening enjoying the breeze or waiting for the next train. Then a lowest paid officer in the Police Department approaches him and says "you are loitering for the purpose of carnal intercourse." Who is to say 'no'?" The word loitering is a very dangerous weapon in the hands of the lowest paid officers of the Police Department.

MR. K. KUNJU PANICKAR: I second it.

The amendment was put to vote and carried.

The question that clause 9 as amended forms part of the bill was put to vote and carried.

The clause was added to the bill.

Clause 10.

MR. K. G. GOVINDAN: Sir, I beg to move the following amendments:—

(1) "In clause 10, sub clause (1), delete the following:
"On information, and if the offence is committed in his view, any Police officer specially authorised in this behalf by the Inspector General of Police."

(2) "In clause 10 sub-clause (2), "After officer" add "not below the rank of Inspector."

The clause as amended will read thus;—
"Any Police officer not below the rank of Inspector may arrest without a warrant any person committing any offence punishable under Section 9."

My object is not to give such wide powers in such delicate matters to the low-paid officers of the Police Department. If at all such powers are to be given to police officers, it should be given to more experienced, more responsible and highly paid officers of the Police Department. Otherwise it is very likely that such powers would be very often misused.

MR. K. KUNJU PANICKAR: I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI: If the House is of that view, I have no objection.

LIBRARY ARCHIVES Kerala Legislative Assembly

The amendments were put to vote and carried.

The question that clause 10 as amended forms part of the Bill was put and carried.

The clause was added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: Before I move for the third reading of the Bill, I request the Chair to suspend the Standing Order.

PRESIDENT: The Standing Order is suspended.

MR. PUTHUPALLI S. KRISHNA PILLAI: I beg to move that in clause 1 for the figure 111 the figure 1117 be substituted.

MR. A. LAKSHMI NARAYANA AYYAR: I second it.

The amendment was put to vote and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I beg to move that the Travancore Suppression of Immoral Traffic Bill be passed.

MR. A. LAKSHMI NARAYANA AYYAR: I second it.

The motion was put and carried and the Bill was passed.

THE TRAVANCORE COURT FEES ACT (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHHA PILLAI: I beg to move that the Travancore Court Fees Act (Amendment) Bill be read in the Assembly.

MR. A. LAKSHMI NARAYANA AYYAR: I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI: I have explained the object of the Bill in the Statement of Objects and Reasons. Honourable members will note that the Court Fees Act is proposed to be amended for two purposes. Under Section 13 (g) applications filed in small cause suits for copies of orders and decrees and other records are exempted from payment of any court fees. Government have been watching the result of this exemption. In very many cases the privilege seems to have been abused by the public. Applications are put in without any intention of further proceeding with them. But nevertheless the office in charge of these matters has to enter these applications in a register kept for the purpose and put up a notice calling upon the parties to produce the copying paper and if the parties fail to do so, the clerk concerned will have to take the book to the Judicial Officer for passing the necessary orders. When a man has not got to pay anything as court fees, it is quite possible that a very large number of such petitions come in. It takes much time of the Court and sometimes results in serious complaints from the public also. If such applications are not affixed with court fee stamps, it is not invariably necessary that they should be presented through the administrative head and signed and certified by him. So it is very easy for the grumbler and the man who is always ready to make a complaint to say that his petition has been destroyed or that the clerk did not attend to the matter because he is negligent or because he has not been paid something. When responsible officers make enquiries into such complaints it is not possible to find fault with them. So after careful consideration Government have come to the conclusion that for the work done by the courts, just as in other cases, a small court fee of 2 chs. may be

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